

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GEORGE LOPEZ, et al.,

Plaintiff,

v.

JOHN WETZEL, et al.,

Defendants

:
:
: Honorable Christopher C. Connor
: Honorable MH Karoline Mehalchick

:
: No. 21-cv-1819

**FILED
SCRANTON**

OCT 13 2023

PER CP
DEPUTY CLERK

**PLAINTIFF'S CONSOLIDATED MOTION FOR CONTINUANCE,
OBJECTIONS AND RESPONSE TO DEFENDANT'S SECOND SET OF
INTERROGATORIES, AND DEFENDANTS FIRST REQUEST FOR
PRODUCTIONS OF DOCUMENTS TO MR. DARIEN HOUSER**

AND NOW COMES, Plaintiff's pro se, Consolidated Motion for Continuance, Objections and response to Defendant's second set of Interrogatories and First Request for Production of Documents Darien Houser and represents:

On September 6, 2023, Plaintiff received a letter dated August 30, 2023 from Kim Adams, Assistant Counsel for the Defendants. The letter stated... See; Exhibit (A) enclosed.

PLAINTIFF'S OBJECTIONS AND RESPONSE

INTERROGATORIES:

1) Plaintiff did respond to the first set of interrogatories as much as he could and sent them through the Court. Plaintiff sends everything through the court. Plaintiff sends everything through the Court so there will be no dispute as to Plaintiff responding to anything that is forward to him by the court or defendants Counsel.

OBJECTIONS TO PRODUCTION OF DOCUMENTS:

2) Plaintiff objects to the Defendants first request for the production of documents, this is

a discovery request. A request that was denied by the Court when Plaintiff Houser made this request to the Court in one of his previous filings. This request was denied by the Court, so; how can this Court allow the Defendants to make a document request, when Plaintiff's pre-discovery request was denied? Further stating that the Defendants, are requesting documentation that are in the Defendants and the Department of Correction's possession? Plaintiff has been incarcerated for 20 years; how is he going to obtain documents that are in the Department of Correction without paying a retrieval fee and the cost of each page? **"DEFENDANTS SUPPOSE TO PROVIDED DISCOVERY IN THEIR POSSESSION"**

3) Plaintiff being provided the opportunity to review his medical records, *if allowed to review in its entirety* is not an appropriate and effective way of reviewing the record for a pro se litigant. A layman pro se prisoner does not understand or have knowledge of doctors and Physician assistants handwriting, signs and symbols, in the progress reports, and Physicians orders. It takes a lot of time to review such records and the institution is not going to provide such time for due to man power/lack of available officers. **Plaintiff believes that this court should order the defendants to turn over all Plaintiff's medical records and Psychiatric records, which are essential to procuring a favorable Judgment for Plaintiff. The records must be provided or this Court has to appoint Counsel.**

PREVIOUS DEPOSITION HEARING:

As to date, Defendants have not conducted a deposition hearing on Plaintiff. At the deposition hearing, Plaintiff requested a continuance at the request of his criminal Attorneys. The continuance was granted and counsel for the Defendants, informed Plaintiff that they would contact his counsel and set a new date for the hearing. Plaintiff provided counsel his attorney's contact information Ms. Elizabeth McHug at ((215) 928-0520.) As to date. Defendant's counsel

had not contacted Plaintiff Counsel to set a date for the deposition hearing. The request for the Continuance was for the purpose of privacy and confidentiality concerns.

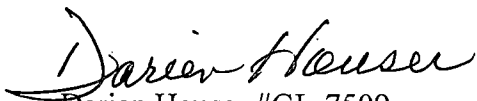
60 DAY CONTINUANCE

4) Plaintiff request that this court provide Plaintiff a 60 day continuance after the Courts ruling/order and or Response to this Motion. It may be appropriate for this Court to Commence the discovery period and place all proceedings in ABEYANCE until after the discovery period. this was, Plaintiff can provide the defendants some or most of the requested documents and respond to the interrogatories better.

5) Plaintiff also request that Defendants Counsel send all mail through the legal mail system to avoid unreasonable and unnecessary delays in receiving mail from defendats counsel.

I, Darien Houser, declare that the contents of this letter are true and correct and this document is being forward to this Court by way of U.S. Mail on 9/28/2023, pursuant to 28 U.S.C. § 1746 under the law of penalty of perjury.

Sincerely and Respectfully Submitted,



Darien Houser #GL-7509
SCI-Phoenix
1200 Mokychic Drive
Collegeville, PA 19124

DATE: 9/28/2023

CC: File Copy



Exhibit A

August 30, 2023

Smart Communications
PA DOC
Darien Houser (GL7509)
SCI Phoenix
PO Box 33028
St. Petersburg, FL 33733

Re: Lopez, et. al. v. Wetzel, et. al.
No. 3:21-cv-1819

Dear Mr. Houser:

I am sending this letter in response as a follow up to the discovery requests I sent to you on July 18, 2023. Specifically, you were sent a request for a second set of interrogatories and a first request for a production of documents. As of today's date, I have not received your responses to these requests. I have enclosed a second copy of each of these documents. Pursuant to the Federal Rules of Civil Procedure you have thirty days to respond to these requests. Fed.R.Civ.P 33(b)(2) and Fed.R.Civ.P.34(b)(2)(A).

Respectfully,

Kim Adams

Kim Adams
Assistant Counsel

Smart Communications PABX

SCI-Phoenix

Name Darlen House

Number GC-7509

~~PO BOX 1148~~ 1200 Mokyehic Drive

~~SEP 23~~ Collegeville, PA. 19426

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To: Clerk's office

U.S. District Court (Middle District)

PER

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235 NORTH WASHINGTON AVENUE
P.O. BOX 1148

SCRANTON, PA 17850-1148

OCT 13 2023

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